

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**May 13, 2002**

**IN RE:**

**PETITION OF CONTACT MINISTRIES, INC.  
TO PROVIDE THE 211 INFORMATION AND  
REFERRAL SERVICES TO CARTER, GREEN,  
UNICOI AND WASHINGTON COUNTIES**

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) **DOCKET NO. 02-00126**  
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**ORDER APPROVING ALLOCATION OF  
N11 NUMBER (211) TO CONTACT MINISTRIES, INC.**

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This matter came before the Tennessee Regulatory Authority (the "Authority" or "TRA") at the regularly scheduled Authority Conference held on March 12, 2002 for consideration of the Petition filed by Contact Ministries, Inc. ("CONTACT") seeking the allocation of the 211 abbreviated dialing code to provide information and referral services to Carter, Green, Unicoi and Washington Counties.

**Background**

**FCC's Third Report and Order**

On July 31, 2000, the Federal Communications Commission ("FCC") released its *Third Report and Order and Order on Reconsideration* in CC Docket No. 92-105 ("*Third Report and Order*") in which, the FCC granted a petition filed by information and referral service providers seeking nationwide assignment of an abbreviated dialing code.<sup>1</sup> In assigning the abbreviated

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<sup>1</sup> "Abbreviated dialing codes enable the caller to connect to a location in the network that otherwise would be accessible only via a seven or ten-digit telephone number. The network must be pre-programmed to translate the three-digit code into the appropriate seven or ten-digit telephone number and route the call accordingly. Among abbreviated dialing arrangements, N11 codes three-digit codes of which the first digit can be any digit other than 1 or 0, and the last two digits are both 1." (Quoting from *In the Matter of: The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, (July 31, 2000) (Third Report and Order and Order on Reconsideration) (hereinafter *Third Report and Order*.)

dialing code 211 for access to community information and referral services, the FCC found that the proposal submitted by the petitioners met the “public interest” standards for assignment of N11 codes which the FCC established in its *N11 First Report and Order*.<sup>2</sup> The FCC specifically found in the *Third Report and Order*:

Individuals facing serious threats to life, health, and mental well being have urgent and critical human needs that are not addressed by dialing 911 for emergency assistance or 311 for non-emergency police assistance. . . . We believe that the Information and Referral Petitioners have shown a public need exists for an easy to use, easy to remember N11 code to efficiently bring community information and referral services to those who need them, providing a national safety network for persons to get access readily to assistance. Therefore, we find that the public interest standard has been met.<sup>3</sup>

The FCC then outlined the necessary steps that must be taken by telecommunications service providers upon receiving a 211 request.

[W]hen a provider of telecommunications services receives a request from an entity (e.g., the United Way) to use 211 for access to community information and referral services, the telecommunications provider must: (1) ensure that any entities that were using 211 at the local level prior to the effective date of this Order relinquish use of the code for non-compliant services, and (2) take any steps necessary (such as reprogramming switch software) to complete 211 calls from its subscribers to the requesting entity in its service area. . . . We expect community service organizations to work cooperatively to ensure the greatest public use of this scarce resource.<sup>4</sup>

The *Third Report and Order* also provides that the FCC, not the North American Numbering Plan Administration (“NANPA”) or another entity, will continue to designate and assign N11 codes for nationwide use. Nevertheless, the FCC explicitly stated that local assignments could be made by the state commissions.

Once we assign or designate an N11 for national use, essentially all that remains to do is to implement that assignment and monitor the uses of the N11 codes. We do not at this time decide what role, if any, state commissions may play once we make a national assignment. That role will necessarily be determined on a case by case basis as we make national assignments. We clarify, however, that states

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<sup>2</sup> *First Report and Order and Further Notice of Proposed Rulemaking*, 12 FCC Rcd. 5572, CC Docket No. 92-105 (1997).

<sup>3</sup> *Third Report and Order*, at Paras. 18-19.

<sup>4</sup> *Id.*, at Para. 21.

will be allowed to continue to make local assignments that do not conflict with our national assignments.<sup>5</sup>

### **TPSC's 1993 Interim Order**

Prior to the issuance of the FCC's *Third Report and Order*, the Authority reviewed requests for the allocation of N11 numbers pursuant to criteria set forth in the Interim Order issued on October 20, 1993 by the Tennessee Public Service Commission ("TPSC") in TPSC Docket No. 92-13892 ("TPSC Order"), to determine the most qualified applicant for allocation of each N11 number in each local calling area.<sup>6</sup> The criteria in the TPSC Order included: (1) the overall financial fitness of the applicant; (2) the technical ability and willingness of the applicant to provide the service on a permanent and continuous basis; (3) the ability and willingness of the applicant to abide by applicable TPSC rules and policies; (4) the rates, services and collection practices to be utilized by the applicant; (5) the extent and duration of the applicant's service to the local community; (6) anticipated future uses by the community of the proposed service being offered by the applicant; and (7) the type of information services to be provided by the applicant over N11 and its relative value to the public and local community.<sup>7</sup>

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<sup>5</sup> *Id.*, at Para. 43. The FCC described the assignment designation and implementation process as follows: Assignment or designation involves announcement to the industry that a particular N11 code will be used for certain, defined purpose(s). This announcement alerts current users of the N11 code that nonconforming uses must cease as part of the implementation process. Implementation, on the other hand, may involve, in addition to discontinuing nonconforming uses, preparing and modifying switches to translate the N11 code and route the call accordingly, installing additional switching equipment, and installing or modifying software or other hardware. (Para. 43, n.123).

<sup>6</sup> See TRA Docket No. 98-00554, Petition of National Telephone Enterprises for Allocation of an N11 Number (Abbreviated Dialing Code) and TRA Docket No. 99-00743, Petition of Knoxville Information and Referral, Inc. for Allocation of an N11 Number.

<sup>7</sup> *In Re: Investigation of N11 Allocations*, TPSC Interim Order, Docket No. 92-13892, pp. 4-5 (Oct. 20, 1993).

### **CONTACT's Petition**

CONTACT filed its Petition with the Authority on December 18, 2001 seeking allocation of the 211 abbreviated dialing code. The Petition and supporting documentation state that CONTACT is a duly qualified and authorized Tennessee non-profit corporation that intends to serve Carter, Green, Unicoi and Washington Counties by providing free information and referral guidance to people in need of social services and other assistance from a centralized source. CONTACT utilizes volunteers to answer telephone calls thereby providing an economical service. CONTACT's Petition includes a copy of the 211 initiative from the National United Way and copies of letters from the United Way agencies representing the four counties that recommend the Petitioner receive the 211 phone designation.

### **Findings and Conclusions**

The Authority finds that reliance on the criteria in the TPSC Order does not conflict with the FCC's national assignment of the 211 abbreviated dialing code and that these criteria continue to be instructive as the Authority carries out its role of making local assignments. Accordingly, the Authority, finds that CONTACT satisfies the criteria in the following manner:

1. **Overall financial fitness, both historical and future:** CONTACT provided financial information showing that allocations from United Way and associated organizations together with other contributions total \$49,085 for the year 2000 and \$53,100 for 2001. CONTACT'S proposed financial statement accounted for \$59,398 in allocations from United Way agencies and additional contributions of \$54,351 from associated organizations, totaling \$113,749 for 2002.

2. **Overall technical ability and willingness to provide service on a permanent and continuous basis:** CONTACT states that it has spent hundreds of hours updating and

adding to its Information and Referral Database in preparation for providing service to Carter, Green, Unicoi and Washington Counties.

3. **Ability and willingness to comply with any applicable Authority rules and policies:** CONTACT has provided a statement that it will follow the Authority's rules and policies.

4. **The rates, services and collection practices to be utilized by the service provider in providing N11 service:** CONTACT states that it will provide information and referral services without charge to anyone in its service areas.

5. **The extent and duration of the applicant's service to the local community included in the N11 calculation:** CONTACT states that it has been providing information and referral services in the requested areas via 7 digit dialing since December 1, 1978. CONTACT further states that because it utilizes volunteers to answer the phones, the service is provided more economically than an organization that utilizes paid staff to take incoming calls.

6. **Anticipated future uses by the community of the proposed service; and the provider's overall experience in providing information to this community:** CONTACT has been providing services since December 1, 1978. The United Way of Elizabethton/Carter County states that CONTACT serves all people without regard to age, sex, race, religion or economic situation, maintains a 24-hour hotline to people in crisis situations, and utilizes trained individuals to listen and provide assistance. It also states that CONTACT received 7,180 calls last year and made 15,703 "Reassurance Calls" to the elderly, homebound and infirmed in Elizabethton/Carter County. The United Way of Unicoi County and the United Way of Elizabethton/Carter County both state that CONTACT should receive the 211 phone designation, as it is already providing the information and referral services in their areas.

7. **The type of information services to be provided over N11 and its relative value to the public and local community:** CONTACT provides assistance to people in crisis situations. The United Way of Elizabethton/Carter County states in its letter of support that through its one service, "Reassurance Calls" to the elderly, homebound and informed CONTACT demonstrates its care "for the individual that is many times overlooked or brushed aside when they are alone and in greatest need of human contact."<sup>8</sup> Other letters of support filed with CONTACT's petition demonstrate that CONTACT is providing a much needed service to those communities.

Although CONTACT states in its Petition that it has communicated with United Telephone-Southeast, Inc. ("UTSE") and that the 211 dialing code will be available to CONTACT upon approval of the Petition, UTSE does not have rates, terms and conditions in their current tariff for N11 service nor does it have a contract service arrangement between the parties on file for approval by the Authority. The Authority therefore finds that UTSE must provide, for approval, the appropriate tariff or contract service arrangement. UTSE shall file N11 rates, terms and conditions comparable to the rates, terms and conditions approved for other N11 providers in Tennessee or, in the alternative, provide detailed cost justification for the proposed rates.

Based upon careful consideration of the Petition and the exhibits thereto, and in following the mandate set forth in the FCC's *Third Report and Order* and the criteria set forth in the TPSC's 1993 Interim Order, the Directors voted unanimously to approve allocation of the 211 abbreviated dialing code to CONTACT in Carter, Green, Unicoi and Washington Counties.

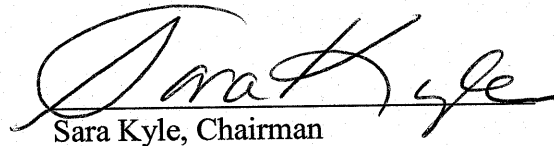
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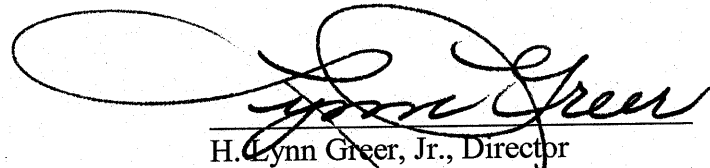
<sup>8</sup> Letter to TRA from the Executive Director, Brenda M. Wallace of the United Way in Elizabethton/Carter County, p. 1, (Jun. 12, 2001).

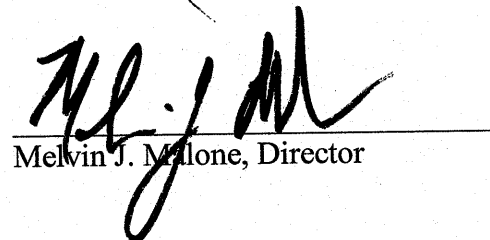
**IT IS THEREFORE ORDERED THAT:**

1. The Petition filed by Contact Ministries, Inc. seeking allocation of the 211 abbreviated dialing code to provide Information and Referral Services to Carter, Green, Unicoi and Washington Counties is approved.

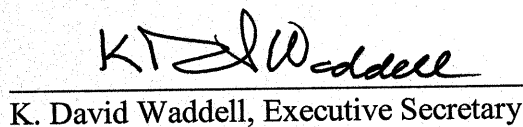
2. United Telephone-Southeast, Inc. shall file for approval the appropriate tariff or contract service arrangement specifying N11 rates, terms and conditions; such filing shall be comparable to the rates, terms and conditions approved for other N11 providers in Tennessee or provide detailed cost justification for the proposed rates.

  
Sara Kyle, Chairman

  
H. Lynn Greer, Jr., Director

  
Melvin J. Malone, Director

ATTEST:

  
K. David Waddell, Executive Secretary